

AUSTIN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 APR -4 PM 12:17

'08 MJ 1046

UNITED STATES OF AMERICA,

Plaintiff,

v.

Luis MORENO-Guizar,

Defendant

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
Magistrate Docket No.

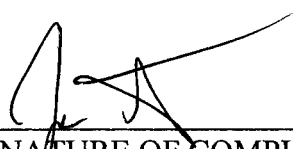
BY:  COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:


On or about **April 3, 2008** within the Southern District of California, defendant, **Luis MORENO-Guizar**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Frombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **4th** DAY OF **APRIL, 2008**.



Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

AUSA-85

CONTINUATION OF COMPLAINT:
Luis MORENO-Guizar

PROBABLE CAUSE STATEMENT

On April 03, 2008, Border Patrol Agent E. Berry and J. Melendrez was assigned border patrol duties near Pine Valley, California. This area is located approximately 10 miles north of the United States/Mexico international border and 15 miles east of the Tecate, California Port of Entry.

Agents Melendrez and Berry responded to a citizen's report of a group of individuals running south of Old 80 Highway. Agent Melendrez and Agent Berry encountered eleven individuals trying to hide in the surrounding brush south of the highway. Agent Berry and Melendrez immediately identified themselves as a United States Border Patrol Agents and questioned each subject as to their citizenship and immigration status, including one later identified as the defendant **Luis MORENO-Guizar**. Agent Berry questioned all eleven individuals, including the defendant as to their citizenship in which they all admitted to being citizens and nationals of Mexico illegally present in the United States. At approximately 9:00 AM., all eleven subjects were arrested and taken to the Campo, California Border Patrol Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on March 10, 2008 through Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.